

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1470 of 1987

Date of decision:1-10-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AGRICULTURAL PRODUCE MARKET COMMITTEE,RAJKOT

Versus

RAJKOT MUNI. CORPORATION

Appearance:

Mr. U. R. Udhwani for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/10/96

ORAL JUDGEMENT

One of the grievances made by the petitioner Agricultural Produce Market Committee, Rajkot- is that after constitution of the Market Committee the respondent Municipal Corporation was not competent to have parallel market within the market yard. I do not consider it proper to decide this matter on merits for obvious reason. The petitioner and respondent Corporation are statutory bodies and as such they should have settled the

matter by sitting together. In some of the cases I have already given direction to the State Government of Gujarat for constitution of a high level committee on the line as given out by the Supreme Court in the case of O.N.G.C. vs. Collector of Central Excise, reported in 1991(4) JT SC 158, that the dispute has to be first gone through by the Committee and in case it is not resolved then only on clearance by the Committee either the petitioner or the respondent could have approached the court and not otherwise. Otherwise also I feel that instead of coming to this court the petitioner should have approached the State of Gujarat in the concerned department for resolving the controversy. I do not know whether a high level committee has been constituted by the State Government or not, and if constituted this court has not been made aware of the same. In these circumstances I consider it proper to dispose of this special civil application with the direction to the petitioner and the respondent Municipal Corporation to approach the concerned Secretary of the Department of the State of Gujarat by way of representation in the subject matter of this special civil application within three months from the date of receipt of certified copy of this order. The Secretary of the concerned department shall decide the grievance of the petitioner and the respondent Municipal Corporation within a period of three months from the date of receipt of representation. It is expected of the said authority to decide the matter after giving opportunity of hearing to both the petitioner and the respondent Corporation. Only after the decision of the Secretary of the concerned Department of the State Government the aggrieved party may approach this court, if necessary. The interim relief granted by this court shall continue to operate till the matter is decided by the Secretary of the concerned Department. Rule discharged. No order as to costs.

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